

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2006 of 1996

ORION REFRIGERATION AND ENGINEERING CO.

Versus

NC DAVE & OTHERS

Appearance:

MR AV TRIVEDI for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1

RULE NOT RECD BACK for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 12/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It appears from the record of the present petition that the petitioners have asserted that the land

in question has constructed immovable property thereon prior to the coming into force of the Act of 1976. The order of the Competent Authority passed under section 8(4) on 5th January, 1994 was challenged by the petitioner in appeal under section 33, which came to be decided at Annexure :B on 31st January, 1996. This was challenged in the present petition, and by interim order dated 15th March, 1996, both parties were directed to maintain status quo as to the subject matter of the petition. It would therefore appear from the record of the petition that the petitioner is in possession of the property in question. It is clarified that this is not to be regarded as finding of fact upon any factual controversy between the parties.

(Y.B. BHATT, J.)

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